IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE EIGHTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO : 18455 of 2004

Between:

Brig B. K. Singh,

S/o R.C. Singh,
r/o Bollarum,

Secunderabad

..... PETITIONER

AND

1 Union of India,

Ministry of Defence,

rep., by its Secretary, at New Delhi.
2 The Director General,

Medical Services(Army) DGMS-I (b)

A.G. Branch, L Block, Army Headquarters,

New Delhi 110 001.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ in the nature of Writ of Mandmus or any other appropriate Writ or writs, order or Direction, declaring and setting a side the telegraphic order dated 22-9-2004 on the file of the 2nd Respondent as illegal, arbitrary and unconstitutional.

Counsel for the Petitioner: Mr. N.SRIDHAR REDDY

Counsel for the Respondents: Mr. I. KOTI REDDY (SC FOR CG)

The Court made the following ORDER:

The petitioner is working as a Doctor with the 2nd respondent. He is presently working at Hyderabad. He is due to retire in August, 2005. He fixed his son's marriage on 6-12-2004 at Hyderabad. The 2nd respondent issued a telegram on 22-9-2004 to the petitioner transferring him from Secunderabad Headquarters to HQ 3 CORPS (Dhimapur in Nagaland State). He submitted a representation to the 2nd respondent on 30-9-2004 and other representations on 3-10-2004 and 4-10-2004 requesting to retain him at Secunderabad for a further period in view of the marriage of his son to be performed in December, 2004. The petitioner further submits that he is at the last lap of service as an Officer of the Indian Army and he is entitled for area posting as per his choice. He worked for only one year and seven months at Secunderabad and he is entitled to remain at one place for a minimum period of two years. There shall be a gap of minimum five years between two postings to insurgent fields. Since the petitioner has already made representations to the 2nd respondent, it would be appropriate to direct the 2nd respondent to dispose of the said representations.

In the light of the above circumstances, the 2nd respondent is directed to consider the representations of the petitioner sympathetically, keeping in view the marriage of his son to be performed on 6-12-2004 at Hyderabad and the regulations in force, regarding the retention of the service personnel for a minimum period at one place and pass appropriate orders according to the regulations. The 2nd respondent is further directed to keep the transfer order of the petitioner dated 22-9-2004 in abeyance till the disposal of the representations of the petitioner.

The Writ Petition is accordingly disposed of.

(Dr.G.YETHIRAJULU,J)

8th October, 2004.

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To

1 Union of India,

Ministry of Defence,

rep., by its Secretary, at New Delhi.

2 The Director General,

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A.G. Branch, L Block, Army
Headquarters, New Delhi 110001

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